

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Authority Enactment.**
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*For statutory provisions regarding the adoption of ordinance codes by municipalities, see CRS § 139-34-1 et seq.

1.01.010 Authority Enactment.

Pursuant to Section 4-11 of the City's Charter, there is adopted and enacted by reference the "Loveland Municipal Code" as published, kept, maintained and regularly updated by the City Clerk. The purpose of this code is to codify the ordinances of the city which are of a general and permanent nature. The subject matter of this code includes, without limitation, provisions concerning the application and interpretation of the code, the administration, organization and employees of the city and city government, revenue and finance, business licenses and regulations, animals, health, safety and welfare, public peace, order and morals, vehicles and traffic, streets and other public places, utilities, buildings and construction, subdivision of land and zoning. (Ord. 4761 § 1, 2003; Ord. 1412 § 1, 1975)

1.01.030 Ordinances passed prior to adoption of the Loveland Municipal Code.

The last ordinance included in the Loveland Municipal Code as adopted herein by reference is Ordinance No. 1384, adopted June 18, 1974. The following ordinances of the city of Loveland, passed subsequent to Ordinance 1384, but prior to the adoption of this code, are adopted and made a part of this code: Ordinances 1385, 1386, 1390, 1391, 1392, 1394, 1395, 1401, 1402, 1403, 1404 and 1405, all relating to zoning; Ordinance No. 1399 pertaining to pay grades, entry rates and pay range schedules for city employees; Ordinance No. 1396, relating to sound limitations on motor vehicles; Ordinance No. 1389 relating to procedure for annexing or subdividing; Ordinance No. 1388 relating to prohibiting the accumulation of junk, including abandoned vehicles and other waste material; and Ordinance No. 1387, relating to the Water Department and concerning bypass of water meters for fire protection purposes. (Ord. 1412 § 7, 1975)

1.01.040 Effect of code on past actions and obligations.

Neither the adoption of this code or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of said ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty, at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations which have arisen thereunder shall continue in full force and effect. (Ord. 1412 § 8, 1975)

1.01.050 Repeal of prior ordinances.

All ordinances of the city of a general and permanent nature, which were finally adopted on or before June 18, 1974, whether or not in legal effect at that date are repealed, except as otherwise provided in this ordinance, and except as the Loveland Municipal Code as herein adopted by reference, expressly saves any ordinance or part thereof from repeal. (Ord. 1412 § 9, 1975)

1.01.060 Scope of codification.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Loveland, Colorado, which have been codified pursuant to the provisions of Sections 139-34-1 through 139-34-8 of the Colorado Revised Statutes, 1963. (Ord. 1412 § 10, 1975)

1.01.070 Reference applies to all amendments.

Whenever a reference is made to this code as the "Loveland Municipal Code" or to any portion thereof, or to any ordinance of the city of Loveland, Colorado, reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 1412 § 11, 1975)

1.01.080 Title, chapter and section headings.

Title, chapter and section headings contained in this ordinance, or contained in the Loveland Municipal Code adopted by reference, or contained in any secondary codes adopted herein by reference, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of such ordinance or code. (Ord. 1412 § 12, 1975)

1.01.085 Amendments and corrections.

The city clerk is authorized to correct errors in spelling and punctuation and obvious clerical and typographical errors and to assign and reassign title, chapter and section headings and numbers, including subdivisions thereof, in all ordinances adopted by the city council, including ordinances amending the Loveland Municipal Code. All such corrections and changes may be made at any time the need therefore comes to the attention of the city clerk. The fact that a correction or change has been made, and the nature of the correction or change, shall be set forth in a certificate, signed by the city

clerk, describing the change. Such certificate shall be attached to the original ordinance in the book of ordinances. Any ordinance which has been codified prior to such a correction or change shall be recodified, with the correction or change, at the earliest opportunity thereafter. (Ord. 3672 § 1, 1990)

1.01.090 Reference to specific ordinances.

The provisions of the Loveland Municipal Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included with the code, but such reference shall be construed to apply to the corresponding provisions contained within the code. (Ord. 1412 § 13, 1975)

1.01.100 Ordinances saved from repeal.

The repeal of ordinances of a general and permanent nature by Section 1.01.050 shall not repeal any ordinance or part thereof saved from repeal specifically by the Loveland Municipal Code; nor shall such repeal affect any ordinance:

Promising, guaranteeing or authorizing the payment of money by or for the city;

Authorizing or relating to specific issuances of bonds or other evidences of indebtedness;

Granting a franchise;

Establishing the compensation of city officers or employees;

Levying taxes, making appropriations or adopting a budget;

Creating specific local improvement districts;

Making special assessments for local improvements;

Vacating, accepting, establishing, locating, re-locating or opening any street or public way;

Affecting the corporate limits of the city;

Which is of a special or temporary nature;

Dedicating or accepting any plat or subdivision. (Ord. 1412 § 14, 1975)

1.01.110 Severability of code provisions.

If any section, subsection, sentence, clause or phrase of the Loveland Municipal Code herein adopted by reference, or of any secondary code herein adopted by reference, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of said Loveland Municipal Code and secondary codes, provided such other sections can be given effect without the invalid section, subsection, sentence, clause or phrase. The council declares that it would have passed the remainder of the Loveland Municipal Code and all secondary codes adopted herein by reference, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any particular sections or subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. The city council further declares that if for any reason the Loveland Municipal Code and the secondary codes adopted therein should be declared invalid or unconstitutional, or should the method of their adoption be declared invalid or unconstitutional, then the original ordinances of the city of Loveland as incorporated in said Loveland Municipal Code shall be in full force and effect. (Ord. 1412 § 16, 1975)

1.01.120 Codes kept on file.

At least three copies of the Loveland Municipal Code and of each secondary code adopted therein, all certified by the mayor and city clerk to be true copies of such code as they were adopted by the ordinance codified herein shall be kept on file in the office of the city clerk available for public inspection. One copy of each such code may be kept in the office of the chief enforcement officer thereof.

The city manager shall arrange to have prepared and published revised sheets of every loose leaf page of the Loveland Municipal Code in need of revision by reason of amendment, addition or repeal. The city clerk shall distribute said revised loose leaf sheets for such fee as the city council may direct.

With regard to those copies of the code specified in subsection A of this section, the city clerk shall have the express duty of inserting in their designated places all amendments or ordinances which are intended to become a part of this Loveland Municipal Code, when the same have been printed or reprinted in page form, and to extract from such codes all provisions which may from time to time be repealed. (Ord. 1412 § 17, 1975)

1.01.130 Sale of code copies.

The city clerk shall maintain a reasonable supply of copies of this code and of all secondary codes incorporated in it by reference, to be available for purchase by the public at a moderate price. (Ord. 1412 § 18, 1975)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	Incorporation.
1.04.020	Definitions.
1.04.030	Grammatical interpretation.
1.04.040	Prohibited acts include causing and permitting.
1.04.050	Construction.

1.04.010 Incorporation.

The city was incorporated on April 14, 1881, and was declared a second class city in 1905. The distinction between first class and second class cities was eliminated in 1969 by an amendment to Section 139-2-2 of the Colorado Revised Statutes. (Ord. 1335 § 1, 1974; prior code § 2.1)

1.04.020 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Loveland, Colorado, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the city of Loveland, Colorado, or the area within the territorial limits of the city of Loveland, Colorado, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Computation of time” means the time within which an act is to be done. It is computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

“Council” means the city council of the city of Loveland, Colorado. “All its members” or “all councilmen” means the total number of councilmen provided by the general laws of the state of Colorado.

“County” means the county of Larimer, Colorado.

“Law” denotes applicable federal law, the constitution and statutes of the state of Colorado, the ordinances of the city of Loveland, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall.” Each is mandatory.

“Oath” is construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Ordinance” means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” means next before and next after, respectively.

“Property” includes real and personal property.

“Real property” includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

“State” means the state of Colorado.

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tenant” and “occupant,” applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.

“Title of Office.” Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.

“Written” includes printed, typewritten, mimeographed or multigraphed.

“Year” means a calendar year.

All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 1412 § 6 (part), 1975)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

Gender. The masculine gender includes the feminine and neuter genders.

Singular and Plural. The singular number includes the plural and the plural includes the singular.

Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 1412 § 6 (part), 1975)

1.04.040 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 1412 § 6 (part), 1975)

1.04.050 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 1412 § 6 (part), 1975)

Chapter 1.08

RIGHT OF ENTRY FOR INSPECTION

Sections:

- 1.08.010 Generally.**
- 1.08.020 Applicability of Section 1.08.010.**

1.08.010 Generally.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or premises within the jurisdiction of the city, or when there is reasonable cause to believe that an ordinance or resolution violation is occurring in any building or upon any premises within the jurisdiction of the city any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours notice of the authorized official's intention to inspect or take enforcement action. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused or the owner or occupant fails to respond to the notice within twenty-four hours, entry may be made only upon the issuance of an inspection warrant by the municipal judge or any other judicial officer having jurisdiction. In the event the owner and/or occupant refuses entry or the owner or occupant fails to respond to the notice within twenty-four hours after such request has been made, the official is empowered to seek assistance from the municipal court or any other court of competent jurisdiction in obtaining such entry. (Ord. 5782 § 1, 2013; Ord. 1362 § 5, 1974; Ord. 1339 § 1 (part), 1974)

1.08.020 Applicability of Section 1.08.010.

The right of entry provisions of any model codes adopted into this code by reference and any other right of entry provisions in this code shall not be deemed repealed by Section 1.08.010 and, in the event of any conflict between such provisions and Section 1.08.010, the right of entry provisions of the adopted model codes and other code provisions shall control. (Ord. 5782 § 2, 2013; Ord. 1339 § 1 (part), 1974)

Chapter 1.12

FINES AND PENALTIES*

Sections:

- 1.12.010 General penalty and penalty for traffic infractions.**
- 1.12.020 Juveniles.**
- 1.12.021 Expungement of Juvenile Records.**
- 1.12.030 Failure to obey summons or notice.**

*For statutory provisions authorizing cities and towns to prescribe a penalty for the violation of ordinances, which penalty shall not exceed a fine of three hundred dollars or imprisonment of ninety days, or both, see CRS §§ 31-15-103 and 13-10-113.

1.12.010 General penalty and penalty for traffic infractions.

- A. It is unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this code, the Charter or any provision of any code or other regulation adopted by reference by this code. Except as to traffic infractions described in (B) below, the violation of any provision of this code shall be punished by a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding, one year, or by both such fine and imprisonment, in addition to any costs which may be assessed, except where a specific penalty is provided for the violation of any provision of the code, which specific penalty shall have been validly adopted by the city council. It is the intent of this chapter that the general penalties set forth in this section shall apply wherever no specific penalty for a violation is set forth in the code, or where no specific penalty has been validly adopted. Each person who violates any provision of this code shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punished accordingly. In addition to the penalties set forth above, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be abated by the city through any means permitted by law, and each such day that such condition continues shall be regarded as a new and separate offense.
- B. A violation of any provision of Title 10 of this code shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Title 10 of this code shall be considered misdemeanors punishable as described in paragraph (A) of this section. Any person against whom judgment is entered for a traffic infraction under this code shall be subject to the penalty of a fine not exceeding one thousand dollars and shall not be subject to imprisonment on account of such judgment.
- C. In addition to the aforesaid fine, there shall be added a surcharge in the amount of ten dollars for each ordinance violation, traffic offense, or traffic infraction, except parking violations. All monies generated by the surcharge under this subsection (C) shall be paid into a separate account of the City of Loveland, to be used for the purpose of funding traffic safety and enforcement and municipal court justice programs. Traffic safety and enforcement shall receive 70% and municipal court justice programs 30% of the total surcharge collected. (Ord. 6021 § 1, 2016; Ord. 5160, 2007 § 1(C), Ord. 4499, 1999; Ord. 4290 §§ 1, 2, 1997; Ord. 3845 § 1 (part), 1992; Ord. 1412 § 4, 1975)

1.12.020 Juveniles.

Notwithstanding any provision in Section 1.12.010, the violation by any person not having attained the age of eighteen years at the time of the commission of the violation with the exception of violations of the Model Traffic Code, as amended and adopted by the city, shall be punished only by a fine not exceeding five hundred dollars, except where a specific lesser fine is provided in the code for the violation of a particular provision of the code. A person who has not yet reached the age of eighteen at the time of the commission of a violation of this code, except for violations of the Model Traffic Code, shall not be punished by imprisonment. (Ord. 3845 § 2, 1992; Ord. 3051 § 1, 1984)

1.12.021 Expungement of Juvenile Records

The Court, juvenile, parent or guardian, or guardian ad litem may petition the Municipal Court for expungement of a juvenile's records. Expungement is defined as physically sealing of a record or conspicuously marking on a record to indicate a records has been expunged and is not open to the public. The Municipal Court may enter an Order of Expungement of all records in the custody of the court or any other agency or official if all of the following findings can be made:

1. The juvenile who is the subject of the hearing has not been convicted of, or adjudicated a juvenile delinquent, for any felony offense or misdemeanor offense involving domestic violence, unlawful sexual behavior, or possession of a weapon since the termination of the court's jurisdiction or unconditional release from parole supervision.
2. No proceeding concerning any felony, misdemeanor, or delinquency action is pending or being instituted against the juvenile.
3. The rehabilitation of the juvenile has been attained to the satisfaction of the the court.
4. The expungement is in the best interest of the petitioner and the community.

The Municipal Court shall establish such further local procedures for the expungement process as may be necessary to include, but not limited to, an advisement of the right to file for expungement of records, notification to all custodians of records, a hearing, and identification of who may have access to the records after expungement enters. (Ord. 5978 § 1, 2015)

1.12.030 Failure to obey summons or notice.

For the purpose of this code, tender by a police officer or other representative of the city of a summons or a summons and complaint shall constitute notice to the violator to appear in court at the time specified on such summons or summons and complaint or to pay a fine required by the summons or summons and complaint. It is unlawful for any person to fail to appear at arraignment or trial to answer any offense charged on the summons or summons and complaint. (Ord. 3717 § 1, 1991; Ord. 3368 § 1, 1987)

Chapter 1.16

SEAL OF THE CITY

Sections:

1.16.010	Description.
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1.16.010	Description
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The corporate seal consists of a circular plate and disc bearing the following inscription: “City of Loveland, Colorado” in circular form and the word “Seal” across the center of the plate and within the circular inscription. (Prior code § 2.3, 1960)

Chapter 1.20

BOUNDARIES OF THE CITY

Sections:

1.20.010 Corporate limits.

1.20.010 Corporate limits.

The corporate boundaries of the city shall be as set forth on the official city map which shall be kept in the office of the city engineer, together with any changes in the city boundaries which may take place between revisions of the official city map. This map shall be maintained by the city engineer and shall be revised by him to reflect all changes in the corporate boundaries as such changes are made. (Ord. 1334 § 1, 1974; prior code § 2.2, 1960)

Chapter 1.24

WARDS PRECINCTS

Sections:

1.24.010	Designated.
1.24.020	First Ward.
1.24.030	Second Ward.
1.24.040	Third Ward.
1.24.050	Fourth Ward.

1.24.010 Designated.

The city, as its corporate limits are now established or may hereafter be extended, is hereby divided into four wards, with numbers and boundaries as designated in this chapter. Within each ward shall be one or more precincts, as designated and amended from time to time by resolution of the city council. (Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.020 First Ward.

The first ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135408, 2155135501, 2155135502, 2155135507, 2155135508, 2155135509, 2155135510, 2155135511, 2155135512, 2155135513, 2155135514, 2155135520, 2155135522 and 2155135549, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 On May 23, 2017. (Ord. 6125 § 1, 2017; Ord. 5692 § 1, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.030 Second Ward.

The second ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135521, 2155135523, 2155135524, 2155135525, 2155135526, 2155135527, 2155135528, 2155135529, 2155135536, 2155135537 and 2155135546, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 on May 23, 2017 (Ord. 6125 § 2, 2017; Ord. 5692 § 2, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.040 Third Ward.

The third ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135532, 2155135543, 2155135533, 2155135534, 2155135535, 2155135539, 2155135540, 2155135541, 2155135544, 2155135545 and 2155135547 as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 on May 23, 2017 (Ord. 6125 § 3, 2017; Ord. 5944 § 1,

2015; Ord. 5692 § 3, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1424 § 1, 1975; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.050 Fourth Ward.

The fourth ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135503, 2155135504, 2155135505, 2155135506, 2155135515, 2155135516, 2155135517, 2155135518, 2155135519, 2155135530, 2155135531, 2155135542 and 2155135548 as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 on May 23, 2017 ((Ord. 6125 § 4, 2017; Ord. 5944 § 2, 2015Ord. 5944 § 2, 2012; Ord. 5692 § 4, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

Chapter 1.28

MUNICIPAL COURT*

Sections:

- 1.28.010** **Created authority.**
- 1.28.015** **Court of record.**
- 1.28.020** **Compensation of municipal judges.**
- 1.28.030** **Clerk.**
- 1.28.040** **Qualifications of jurors.**
- 1.28.050** **Appeal bond “Form” qualifications of sureties.**
- 1.28.060** **Court costs.**

*For statutory provisions relating to the municipal court, and its creation by the city or town in which it is located, see CRS § 13-10-101 et seq.

1.28.010 Created authority.

There is created a municipal court to hear and try all alleged violations of the ordinance provisions of the city, which court, and the municipal judge or judges and other officers thereof, shall have all of the powers, authority, duties and shall follow the procedure as provided therefor by the laws of the state and the rules of procedure promulgated by the Supreme Court of the state. (Ord. 1075 § 2 (part), 1970; prior code § 9.1)

1.28.015 Court of record.

Except as herein provided, the municipal court shall be a qualified municipal court of record as defined by state statute. The municipal court clerk shall maintain a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means.

In the event that the municipal court judge determines that the maintenance of a verbatim record is not reasonably practical due to the inaccessibility of necessary equipment or personnel, the judge may conduct municipal court as a court not of record. (Ord. 3845 § 3 (part), 1992)

1.28.020 Compensation of municipal judges.

The municipal judge or judges shall receive as compensation for their services an amount to be determined by the city council annually, said amount to be set forth in the appropriations ordinance enacted by the city council prior to each fiscal year. (Ord. 1412 § 3(a), 1975; Ord. 1075 § 2 (part), 1970; prior code § 9.2)

1.28.030 Clerk.

There is established the position of clerk of the municipal court who shall serve as a full time or part time clerk as shall be determined by the presiding municipal judge, except that the municipal judge or judges shall serve as ex officio clerk if the business of the court, as determined by the presiding municipal judge, is insufficient to warrant a separate clerk, or during the temporary absence, sickness, disqualification or other inability of the clerk to act. (Ord. 1075 § 2 (part), 1970; prior code § 9.3)

1.28.040 Qualifications of jurors.

All residents of this city who are eighteen years of age or more, and who have never been convicted of a felony, shall be competent to serve as jurors in the police court. (Ord. 1190 § 1, 1972; prior code § 9.12-2)

1.28.050 Appeal bond “Form” qualifications of sureties.

The appeal bond required by the laws of the state shall be substantially in the form set out following this chapter.

The surety on this bond shall be a person or persons over the age of twenty-one years of age who owns real property within the state of a value in excess of the penal sum set by the municipal judge and all liens and encumbrances thereon, or a corporate surety company duly qualified to do business in the state, or in lieu of a surety, cash in the amount set by the municipal judge. (Ord. 1075 § 2 (part), 1970; prior code § 9.5)

1.28.060 Court costs.

The municipal judge shall assess costs in an amount to be established by resolution of the city council against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement. However, if a court appearance is not mandatory as indicated on the summons and complaint, such cost shall not be imposed upon any defendant who, within twenty days of the defendant's receipt of the summons and complaint, enters a plea of guilty as charged and pays the fine indicated on the summons and complaint. The municipal judge is authorized to establish a process for court cost waiver for a defendant who enters a plea of guilty or nolo contendere as charged following said twenty-day period but prior to arraignment, when such defendant has not burdened the municipal court system.

The municipal judge shall assess costs in the amount of twenty-five dollars against any defendant who, after a trial to the court, is found guilty of an ordinance violation.

The municipal judge shall assess costs in the amount of one hundred dollars against any defendant who, after a jury trial, is found guilty of an ordinance violation. (Ord. 4467 § 1, 1999; Ord. 3904 § 1, 1993; Ord. 3845 § 3 (part), 1992)

End Title 1